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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,904	12/22/1999	THEODORE K BULLOCK	TN170	5514

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EXAMINER

QUELER, ADAM M

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/469,904

Applicant(s)

BULLOCK ET AL.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications: Application filed 12/22/1999.
2. Claims 1-42 are pending in the case. Claims 1, 8, 15, 26, and 37 are independent claims.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6, 13, 19, 30 and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear from the specification, specifically the definition of customization on page 9, how account holder customization would effect more elements the user level personalization.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 6, 8, 13, 15, 19, 26, 30, 37 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding independent claims 1, 8, 15, 26, and 37** refer to “the account holder” or “each account holder.” The Office interprets these articles to be referring to the “user of a first class”

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for example in claim 1, line 3. There is a lack of antecedent basis for “the account holder” in the claims.

7. **Regarding dependent claim 6, 13, 19, 30 and 41**, the claims it is not clear from the specification, specifically the definition of customization on page 9, how account holder customization would effect more elements the user level personalization.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-5, 7-12, 14-22, 25-33, 36-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Daily Jolt (archived 10/12/1999) hereinafter Jolt.**

**Regarding independent claim 1, 8, 15, 26, and 37**, Jolt teaches a user of the first class has an account on the server, and hosting on a server has a copy of master web site. On page 2 and 4 are two similar versions of the web page. Each version corresponds to an account on the server, as inherently shown by the different domain names. While Jolt does not explicitly disclose a master version of the web site on the server it would have been obvious to do so, that all customized sites would have a similar look, theme and feel, as shown by the similarities between page 2 and page 4.

Jolt also shows the second level of customizability is available by the “customize” link on the top of each web page. This customization is available based on a second class of users as shown by the “login” link on the top of each web page.

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**Regarding dependent claim 2, 9, 16, 27 and 38**, the web sites disclosed by Jolt, on p. 2 and p.4 is interpreted to be a portal.

**Regarding dependent claim 3 and 10**, Jolt teaches the account holder copy of each has unique URL. The Amherst site's URL is amherst.dailyjolt.com, while the Penn State site's URL is psu.dailyjolt.com.

**Regarding dependent claim 4, 11, 17, 28 and 39**, the URL is inherently assigned and provided by the server, as the server must route the traffic to the appropriate sub-domain.

**Regarding dependent claim 5, 12, 18, and 29 and 40**, Official Notice is taken that it was well-known to have a web site that comprises at least one web page and a combination of elements. It would have been obvious to comprise the web site with one web page and a combination of elements to deliver content to the user.

**Regarding dependent claim 7, 14, 20, 31 and 42**, Jolt teaches at least one of text graphics and hyperlinks (pp. 2 and 4).

**Regarding dependent claim 21 and 32**, Official Notice is taken that it was well-known in the art at the time of the invention to have a server connected to a network to distribute web pages. It would have been obvious to one of ordinary skill in the art at the time of the invention to to include the server to facilitate use with the Internet.

**Regarding dependent claim 22 and 33**, Official Notice is taken that it was well-known in the art at the time of the invention to have a server generate web pages. It would have been obvious to one of ordinary skill in the art at the time of the invention to facilitate the personalization offered by the "customize" link.

**Regarding dependent claim 25 and 36**, Jolt teaches on pages 2 and 4, a list of hyperlinks (left), at least one image (top), a menu with sub-menus of hyperlinks (right). Official Notice is taken that a scrolling message was a well-known feature of web pages at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a scrolling message to grab the user's attention. Jolt does not teach an interface for customization, although it does contain a link to a web page for customization ("customize"). It would have been obvious to one of ordinary skill in the art at the time of the invention to have interface for customization linked to the "customize" link so that the links function would, in fact, be the customization of the page.

**10. Claims 6, 13, 19, 23-24, 30, 34-35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jolt and further in view of Nazem et al. (USPN 5983227—filed 6/12/1997).**

**Regarding dependent claim 6, 13, 19, 30, and 41**, the Office cannot determine the intended scope of the claims due to them being indefinite. As is apparent from the specification, the Applicant intends to define a difference between content customization and personal customizations; the Office will interpret the claim language accordingly. Due to the lack of cached server pages Jolt does explicitly show the number of web page elements that are customized at the second level. However, as Jolt does teach the URL corresponds the first level of customization, the "customize" link must correspond the end users. Nazem teaches that end users can choose the modules they want on their page (col. 5, ll. 50-65). It would have been obvious to combine Nazem and Jolt to provide options for the user under the "customization" link.

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**Regarding dependent claim 23 and 34**, Jolt does not explicitly teach a database for storing the information defining the web pages. Nazem teaches a database for storing the information defining web pages (col. 3, ll. 26-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Nazem and Jolt to store changes to store the customization options (Nazem, col. 3, ll.49-57).

**Regarding dependent claim 24 and 35**, Jolt does not teach subdirectories. Nazem teaches subdirectories for each user's information (col. 3, ll. 35-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Nazem and Jolt so the each record could be quickly retrieved (Nazem, col. 3, ll. 42-44).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US-6,167,441 A to Himmel, Maria Azua
- US-6,185,587 B1 to Bernardo et al.
- US-6,185,614 B1 to Cuomo et al.
- US-6,412,008 B1 to Fields et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

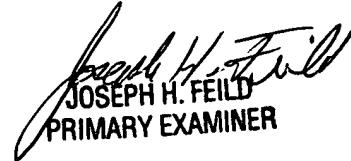
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

AQ  
May 30, 2003

  
JOSEPH H. FIELD  
PRIMARY EXAMINER